

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

LAWRENCE UDOM, *et al.*,

Plaintiffs,

Case No. 3:23-cv-126

vs.

STATE FARM FIRE & CASUALTY CO.,

District Judge Michael J. Newman
Magistrate Judge Peter B. Silvain, Jr.

Defendant.

ORDER: (1) DENYING WITHOUT PREJUDICE PLAINTIFFS' MOTION TO COMPEL AN APPRAISAL (Doc. No. 9); (2) DIRECTING THE PARTIES TO MEET AND CONFER AND FILE THEIR 26(f) REPORT ON THE COURT'S DOCKET BY JULY 24, 2023; (3) DIRECTING THE PARTIES TO SERVE THEIR INITIAL DISCLOSURES BY JULY 24, 2023; AND (4) DIRECTING THE PARTIES TO SHOW CAUSE WHY THE COURT SHOULD NOT IMPOSE SANCTIONS FOR THEIR FAILURE TO COMPLY WITH THE COURT'S INITIAL ORDER TO MEET AND CONFER AND FILE THEIR 26(f) REPORT (Doc. No. 8)

This case is before the Court on Plaintiffs' motion to compel an appraisal and both parties' failure file their 26(f) report. The Court ordered the parties to meet and confer and file their joint 26(f) report by June 21, 2023. Doc. No. 8. To date, no 26(f) report has been filed. Instead, Plaintiffs filed a motion to compel an appraisal (Doc. No. 9), and Defendants responded in opposition (Doc. No 10). Because the parties have, as far as the Court is aware, not met and conferred, not filed a 26(f) report, and not initiated discovery, the Court finds that Plaintiffs' motion to compel an appraisal is premature.

Accordingly, Plaintiffs' motion to compel an appraisal is **DENIED WITHOUT PREJUDICE**. Moreover, both parties **SHALL**, pursuant to Fed. R. Civ. P. 16 and Fed. R. Civ. P. 26(f), informally confer in good faith and prepare a joint report as required by Fed. R. Civ. P.

26(f).¹ The parties' Rule 26(f) report shall be filed with the Court **by July 24, 2023**. Unless otherwise agreed to by the parties in their Rule 26(f) Report, initial disclosures must be made as required by Rule 26(a)(1). Rule 26(a)(1) initial disclosures must be served upon all parties in the case **by July 24, 2023** and should not be filed with the Court unless submitted in support of a motion. After the parties file their Rule 26(f) report, the Court intends to put on a scheduling order. Subsequently, the Court will formally refer this matter to the United States Magistrate Judge during the pendency of discovery. During discovery, Plaintiffs may wish to renew their motion.

Because the parties have failed to comply with the Court's initial order to meet and confer and file their 26(f) report by June 21, 2023 (Doc. No. 8), the parties are both **ORDERED TO SHOW CAUSE**, in writing and **by July 24, 2023**, why the Court should not impose sanctions. *See* Fed. R. Civ. P. 37(b)(2)(A) ("If a party . . . fails to obey an order to provide or permit discovery, including an order under Rule 26(f) . . . , the court where the action is pending may issue further just orders"). The parties are **ADVISED** that failure to show good cause for noncompliance with this Court's meet and confer order may result in sanctions. Fed. R. Civ. P. 37(b)(2)(A).

IT IS SO ORDERED.

July 13, 2023

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge

¹ A form Rule 26(f) Report of the Parties (applicable to the Western Division at Dayton) is accessible on the Court's website at <http://www.ohsd.uscourts.gov/ohio-southern-district-forms>.